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Elimination of racism and racial discrimination

Argentina, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Finland, France, Germany, Guatemala, Hungary, Iceland, Italy, Japan, Monaco, Namibia, Netherlands, Nigeria, Panama, Portugal, Romania, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: draft resolution

International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and its resolutions on the status of the International Convention on the Elimination of All Forms of Racial Discrimination,[1] most recently resolutions 51/80 of 12 December 1996 and 52/110 of 12 December 1997,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] in particular section II B of the Declaration, relating to equality, dignity and tolerance,

Reiterating the need to intensify the struggle to eliminate all forms of racial discrimination throughout the world, especially its most brutal forms,

Recalling its resolution 52/111 of 12 December 1997, by which it decided to convene a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance not later than the year 2001,

[1] Resolution 2106 A (XX), annex.
[2] A/CONF.157/24 (Part I), chap. III.

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Taking note of Commission on Human Rights resolution 1998/26 of 17 April 1998 on racism, racial discrimination, xenophobia and related intolerance, and of the agreed conclusions 1998/2 of 28 July 1998 of the Economic and Social Council on the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action,[3]

Reiterating the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Mindful of the importance of the contributions of the Committee to the effective implementation of the Convention and to the efforts of the United Nations to combat racism and all other forms of discrimination based on race, colour, descent, or national or ethnic origin,

Noting that the reports submitted by States parties under the Convention contain a wealth of information about the cause of discrimination based upon race, colour, descent, or national or ethnic origin,

Calling upon States which have not yet become parties to the Convention to ratify it or accede thereto,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination,[4] to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee from the regular budget of the United Nations, and reiterating its deep concern that an amendment to the Convention has not yet entered into force,

Stressing the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

Recalling the provisions of paragraph 4 of article 10 of the Convention regarding the location of the meetings of the Committee and the provisions of paragraph 1 of article 8 regarding the composition of the Committee,

I

Report of the Committee on the Elimination of Racial Discrimination

1. *Takes note with appreciation* of the report of the Committee on the Elimination of Racial Discrimination on its fifty-second and fifty-third sessions;[5]

2. *Commends* the Committee for its work with regard to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[1] especially the examination of reports under article 9 and action on communications under article 14 of the Convention;

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[3] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 3* (A/53/3), chap. VI.

[4] See CERD/SP/45, annex.

[5] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 18* (A/53/18).

3. *Calls upon* States parties to fulfil their obligation, under paragraph 1 of article 9 of the Convention, to submit their periodic reports on measures taken to implement the Convention in due time;

4. *Expresses its concern* at the great number of reports which are overdue and which continue to be so, in particular initial reports, which constitutes an obstacle to the full implementation of the Convention, and encourages the Secretariat of the United Nations to extend technical assistance to those States whose reports are seriously overdue, upon their request, in the preparation of the reports;

5. *Commends* the Committee on its continuing efforts to contribute to the effective implementation of international instruments on human rights, *inter alia*, by continuing to improve its working methods, which include the process of reviewing the implementation of the Convention in States whose reports are seriously overdue;

6. *Commends* the Committee for its continuing contribution to the prevention of racial discrimination, and welcomes its relevant action thereon;

7. *Encourages* the Committee to continue to contribute fully to the implementation of the Third Decade to Combat Racism and Racial Discrimination and its revised Programme of Action,[6] including by continuing to collaborate with the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, as well as by cooperating, as appropriate, with the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

8. *Welcomes and encourages* the cooperation and exchange of information between the Committee on the Elimination of Racial Discrimination and relevant structures and mechanisms of the United Nations, including the Office of the United Nations High Commissioner for Human Rights, as well as with the General Assembly and the States parties to the Convention;

9. *Takes note* of the initial suggestions made by the Committee regarding the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, invites the Committee to give high priority to the preparatory process for the World Conference and to present to the Commission on Human Rights, which will act as the preparatory committee for the Conference, its contribution to the objectives of the Conference, including undertaking a series of studies, and to participate actively in the preparatory process and at the Conference itself;

10. *Takes note* of the decisions of the Committee regarding organizational matters adopted at its fifty-third session;[7]

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[6] Resolution 49/146, annex.

[7] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 18* (A/53/18), chap. I, sect. F.

II

Financial situation of the Committee on the Elimination of Racial Discrimination

11. *Takes note* of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination;[8]

12. *Expresses its profound concern* about the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfil their outstanding financial obligations under paragraph 6 of article 8 of the Convention;

13. *Strongly urges* States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the Convention on the Elimination of All Forms of Racial Discrimination on 15 January 1992,[4] endorsed by the General Assembly in its resolution 47/111 of 16 December 1992 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

14. *Requests* the Secretary-General to continue to ensure adequate financial arrangements and appropriate means and to provide necessary support, including an adequate level of Secretariat assistance, in order to ensure the functioning of the Committee and enable it to cope with its increasing amount of work;

15. *Requests* the Secretary-General to invite those States parties to the Convention that are in arrears to pay the amounts in arrears and to report thereon to the General Assembly at its fifty-fifth session;

III

Status of the International Convention on the Elimination of All Forms of Racial Discrimination

16. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;[9]

17. *Expresses* its satisfaction at the number of States that have ratified the Convention or acceded thereto;

18. *Reaffirms once again* its conviction that ratification of or accession to the Convention on a universal basis and the implementation of its provisions are necessary for the realization of the objectives of the Third Decade to Combat Racism and Racial Discrimination and for action beyond the Decade;

19. *Urges* all States that have not yet become parties to the Convention to ratify it or accede thereto;

20. *Urges* States to limit the extent of any reservation they lodge to the Convention and to formulate any reservation as precisely and as narrowly as possible in order to ensure

[8] A/53/255.
[9] A/52/256.

that no reservation is incompatible with the objective and purpose of the Convention or otherwise contrary to the international treaty law, to review their reservations regularly with a view to withdrawing them, and to withdraw reservations that are contrary to the objective and purpose of the Convention or that are otherwise incompatible with international treaty law;

21. *Requests* States parties to the Convention that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention;

22. *Decides* to consider at its fifty-fifth session, under the item entitled "Elimination of racism and racial discrimination", the reports of the Committee on the Elimination of Racial Discrimination and the reports of the Secretary-General on the financial situation of the Committee and the status of the Convention.